ORDINANCE AMENDING HIALEAH, FLA., ORDINANCE 06-05 (FEB. 14, 2006) THAT GRANTED Α VARIANCE TO **ALLOW** REPLATTING PROPERTY INTO TWO SINGLE-FAMILY LOTS: ONE LOT HAVING FRONTAGE OF 48 FEET, WHERE 50 FEET WAS PREVIOUSLY APPROVED, A TOTAL AREA OF 4,800 SQUARE FEET, WHERE 5,000 SQUARE FEET WAS PREVIOUSLY APPROVED, AND ALLOW THE SINGLE-FAMILY RESIDENCE TO REMAIN ON THE LOT WITH A FRONTAGE OF 87 FEET, WHERE 85 FEET WAS PREVIOUSLY APPROVED, AND A DEPTH OF 109.45 FEET, 100.45 FEET WAS PREVIOUSLY APPROVED, AND HAVING A SOUTH SIDE SETBACK OF 2 FEET, AS PREVIOUSLY APPROVED, AND A REAR SETBACK OF 19 FEET, WHERE 20 FEET ARE REQUIRED. CONTRA TO HIALEAH CODE §§ 99-499, 98-501 AND 98-502. PROPERTY LOCATED AT 1990 EAST 6 AVENUE, HIALEAH, FLORIDA. REPEALING ALL ORDINANCES OR PARTS OF **ORDINANCES** INCONFLICT HEREWITH; PROVIDING PENALTIES FOR **VIOLATION** HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND **PROVIDING** FOR ΑN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of January 24, 2007 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida hereby amends Hialeah, Fla., Ordinance 06-05 (Feb. 14, 2006) that granted a variance permit to allow replatting of property into two single-family lots: One lot having a frontage of 48 feet, where 50 feet was previously approved, a total area of 4,800 square feet, where 5,000 square feet was previously approved, and allow the single-family residence to remain on the lot with a

frontage of 87 feet, where 85 feet was previously approved, and a depth of 109.45 feet, where 100.45 feet was previously approved, and having a south side setback of 2 feet, as previously approved, and a rear setback of 19 feet, where 20 feet are required, contra to Hialeah Code §§ 98-499, 98-501 and 98-502, which provide in pertinent part: ""The minimum building site in the R-1 one-family district shall be . . . at least 7,500 square feet of area for each one-family residence. Such parcels or lots shall have an average width of at least 75 feet and shall also have a minimum average depth of 100 feet," "In the R-1 one-family district, there shall be side yards, . . . but in no case shall each such side yard be less than five feet one inch or more than  $7\frac{1}{2}$  feet in width." and "In the R-1 one-family district, every principal residential building shall provide a rear yard of a minimum depth of 20 feet to a rear lot line . . . ", respectively. Property located at 1990 East 6 Avenue, Hialeah, Miami-Dade County, Florida, zoned R-1 (One Family District), and legally described as follows:

LOTS 11 AND 12, BLOCK 11-B, SIXTH ADDITION TO THE TOWN OF HI-A-LE-AH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 54, OF THE PUBLIC RECORDS OF MIAMIDADE COUNTY, FLORIDA.

### Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

#### Section 3: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative

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tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

# **Section 4:** Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

## **Section 5:** Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

| PASSED and ADOP   | ΓED this <b>27th</b> ay of | February                          | , 2007.    |
|---|----------------------------|-----------------------------------|------------|
| THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING. |                            | Esteban Bovo<br>Council President |            |
| Attest:   | Approved on this _         | day of                            | , 2007.    |
|   | MAY                        | YOR'S SIGNATURI                   | E WITHHELD |
| Rafael E. Granado, City Clerk   | ζ                          | Mayor Julio Robaina               |            |

Approved as to form and legal sufficiency:

William M. Grodnick City Attorney

Ordinance was passed and adopted by the Hialeah City Council on February 27, 2007 and became effective March 13, 2007 without Mayor's signature.

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes".